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## The Secret Life of the Queer Muslim: An In Depth Cross Cultural Analysis of Repression

Tamara Wong  
Bard College, [tw6543@bard.edu](mailto:tw6543@bard.edu)

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The Secret Life of the Queer Muslim:  
An In Depth Cross Cultural Analysis of Repression

Senior Project Submitted to  
The Division of Social Studies  
Of Bard College

By  
Tamara Wong

Annandale-on-Hudson, New York  
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I would like to dedicate my project to my inspiration, my dear friend Mohammed, who displays courage, strength and pure fabulousness every day. I would like to thank my advisor Annie who has never given up on me even at my worst, my mother Azza for always sticking by me through my crazy ideas and setting up the interviews, my father for his fearless attitude towards academia, my sister Yasmine for existing as my other half and finally, to Betsy, the true MVP, an absolute legend for all her research support and guidance every step of the way.

## **Table of Contents**

Introduction.....	1
Chapter 1: Queer Lives in Contemporary Tunisia.....	16
Chapter 2: Saudi Arabia and its Chained Principles.....	27
Chapter 3: The Secret Lives of Transgender Iran.....	36
Chapter 4: Underground Kuwait and its Luxuries.....	50
Conclusion: What is to come?.....	64

## **Introduction**

*“When I was 13, I asked my mom what the word gay meant. She told me it was for confused people who liked their own gender and I must never do the same”*

At 13, my response to this categorization of “confused people” was to assume that everything my mother said was correct, with no questions asked. Whenever I saw this kind of “behavior” so to speak, I would assume such people weren’t “brought up properly”. My mother had an effeminate (seemingly gay) friend who moved away from Tunisia to Italy in order to pursue another job with his “friend”, I was told. I thought it meant his family had shunned him, but I learned later that he had moved for a better, more liberal life with his partner. Now, as a college student and Human Rights Major, I am interested in unraveling and exploring how LGBTQ people in the Middle East struggle against repressive conditions, particularly through the lenses of social media and my own self-reflexive ethnographic experience both as the recipient of an overtly homophobic social conditioning and, later, as a person who identifies on the queer spectrum and as a person from a Tunisian, culturally Muslim background (on my mother’s side).

I grew up skeptical of religion, believing that if it spoke to me, I would end up following it. My sister and I were sent to Quran study when we were nine and fourteen. Whenever we read through sections pertaining to the inequalities of gender, I would point out the unfair position that women were placed in and how little they were thought of, angering my teachers. There was once a discussion surrounding the topic of how women could not go to the Mosque when on their periods, I was sickened by the obvious gender inequality. We quickly were dismissed after

ridiculing passages of the Quran pertaining to homoerotic male pedophilia. Through the anecdotes from my own life define my fascination with the queer underground Muslim population. Social media sources like Twitter and Facebook became my gateway into the lives of the repressed, often proving to be the most reliable gateway into the mind of the conservatively raised queer.

“The “LGBT community in the Middle East” is not a singular entity. Although circumstances vary according to country, gender, city or urban settings, and of course from individual to individual, as a whole the queer community in the Middle East has not been granted the same “freedoms” associated with Western ideals of social progress, such as gay marriage, open displays of romantic affection, and other superficial indications of acceptance in society.”<sup>1</sup>

Human rights issues within the Middle East are seen as unimportant or as an afterthought considering the final decision reigns under Allah’s rule. The Quran is the higher dictator of how Muslims live their lives,

“If a man comes upon a man, then they are both adulterers," "If a woman comes upon a woman, they are both Adulteresses," "When a man mounts another man, the throne of God shakes," and "Kill the one that is doing it and also kill the one that it is being done to.”<sup>2</sup>

Same-sex desire in this circumstance is shunned through the eyes of Allah. If

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<sup>1</sup> Efel Ezra E. *The Real Story of the Gay Middle East*. New York: World Economic Forum,

<https://www.weforum.org/agenda/2016/01/the-real-story-of-the-gay-middle-east/> 2016. Online

<sup>2</sup> Quran 17:5

two men engage in intercourse, “the throne of God shakes”, the only way forward is to “kill on the one that is doing it to” and also the other in turn killing both for doing such an act of dishonor. Some countries have taken this into a literal sense and chosen to display public lynching and honor killings in order to fully carry out the eyes of the lord. There are also instances in the Quran where sodomizing one’s wife is allowed, but committing the act with another man results in death, “If a man who is not married is seized committing sodomy, he will be stoned to death.” <sup>3</sup>Sodomy<sup>4</sup> between marital partners is considered fine in the Arab religion however there is charge of being stoned if one does it with someone else. In some ways, it does make sense for the acts between a husband and wife to appear lawful under the eyes of Allah, but it does not make sense that specifically sodomy be condemned with other people if the rule makes it out that marital couples can do so. Regarding effeminate men, the Quran takes a very firm approach in efforts to create an extremely mainstream man and woman stance stating,

"The Prophet cursed effeminate men (assume the manners of women) and those women who assume the manners of men, and he said, 'Turn them out of your houses.' The Prophet turned out such-and-such man, and Umar turned out such-and-such woman." <sup>5</sup>

In the Quran, there are clear guidelines as to how women should live and how men should conduct themselves. The Quran does not recognize a queer identity, and therefore those who identify as such will be prosecuted, "the Prophet cursed

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<sup>3</sup> Quran 29:3

<sup>4</sup> Sexual intercourse involving anal or oral copulation.

<sup>5</sup> Quran, Bukhari 72:224

effeminate men”. They also are at constant risk of isolation and disownment, “and he said, ‘Turn them out of your houses.’” This also gives light to the controversial gender change surgery in Iran, where if an individual is attracted to somebody of the same socially designated gender identity, they should undergo gender transformation surgery in order to “fix themselves.” Muslims who house effeminate men are supposed to “put them out” in the streets by laws of the Quran. By creating a stigma around feminine men, they are forced into repression, with some exceptions,

“A baccha, typically an adolescent of twelve or 16, was a performer practiced in erotic songs and suggestive dancing. He wore resplendent attire and make up, has been considered by some as cross dressing or actual transgender expression, but contested by others as being more akin to situational same sex desire. The baccha was appreciated esthetically for his androgynous beauty, but was also available as a sex worker”<sup>6</sup>

There are practices surrounding Islamic same sex practices, which often contradict the laws of Middle Eastern countries alike Saudi Arabia. In the Qur’an there is a type of servant known as a Baccha, the Baccha fulfills more duties than just a maidservant, “the baccha was appreciated esthetically for his androgynous beauty, but was also available as a sex worker.” The Qur’an bans same sex desire, however makes exceptions when it comes to young boys providing the argument that if they are not fully grown or if a woman is not there to appease her man, then a young boy

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<sup>6</sup> *Islam’s loathing and lust for same sex desire*. Sydney: Australian Islamic Monitor, 2007. Online.



can step into place. Specifically the baccha who due to their “androgynous beauty”, youthful presence and erotic nature are exceptions to the rule of queerness, and are viewed as operating somehow outside of gender norms.

Religious, Islamic households circle their beliefs from the Quran, leaving little up for interpretation concerning one’s sexuality. Sexuality is a topic where they are varied definitions concerning the details. The foundation of one’s life plays an enormous role in the shaping of an Islamic individual, often growing up with constant life lessons that equate same-sex desire with negative things.

“In the erotic art, truth is drawn from pleasure itself, understood as a practice and accumulated as experience: pleasure is not considering in relation to an absolute law of the permitted and the forbidden”<sup>7</sup>.

Foucault’s text “*The History of Sexuality*” focuses on the formation of sexuality and the basis of repression. Foucault explains that as long as we repress sexuality, we cannot learn from it, nor understand what it really means. Through the discovery of joy individuals learn who they are, “truth is drawn from pleasure itself.” Pleasure also is looked down upon by religion amongst other tropes as it hides many forms of truth, “pleasure is not considering in relation to an absolute law of the permitted.” Pleasure uncovers truth of the unknown, alike the discovery of same sex desire.

“ Every adult Saudi woman, regardless of her economic or social status, must obtain permission from her male guardian to work, travel, study, seek medical treatment or marry. She is also deprived of making the most trivial decisions on

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<sup>7</sup> Foucault, Michel. *The History of Sexuality*. New York: Random House, 1978. Print.

behalf of her children. This system is supported by the imposition of complete sex segregation, which prevents women from participating meaningfully in public life.”<sup>8</sup>

Saudi women have very little agency over their own lives and often have to turn to one another for support as there is a constant reminder that their lives have far less meaningful participation than the ones of men.

“There are some women whose problem lies in wanting to kiss a mouth that is not roughened by a beard and want to press their cheeks against a soft cheek”<sup>9</sup>

In “*Female Homosexuality in the Middle East*”, Habib uses anecdotes from her own personal life to draw inferences between underground lesbian poetry and the risk that it poses. Women grow up with the constant reminder that they should strive to be the perfect wife. However, what happens when one aspires to be the perfect partner? What are the consequences when one desires more than just to kiss a non “roughened” face? “There are some women whose problem lies in wanting to kiss a mouth that is not roughened by a beard” alludes to a longing for a different kind of touch, bearing more depth than what it is on the surface. By wanting more than just a kiss from a non-bearded mouth, a discussion appears concerning what exactly that entails additionally to what is on the surface. Habib infers that Arabian women long for a sense of intimacy, a type of touch that comes from more than sharing a bed and the promise of marriage. Through Habib’s texts, she explores more accounts of

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<sup>8</sup> Manea, Elham. *Women in Saudi Arabia are caught in a system of gender apartheid*. Zurich: University of Zurich Press, 2013 . Print.

<sup>9</sup> Habib, Samar. *Female Homosexuality in the Middle East* New York: Taylor and Francis Group, 2007. Print, 54-55 pp.

female erotica, examining what makes Middle Eastern women feel more relaxed is being around members of their own sex.

“ Only one in four women in the Middle East and North Africa are employed or looking for work. ”<sup>10</sup>

Men and women in the Arabian world are not raised side-by-side, or even as equals. As there is such a low rate of working women. Women are supposed to stay home and attend to the children as opposed to furthering their minds and seeking something beyond motherhood. Other women, typically also surround them, as the socialization between men and women is not allowed. Concluded from this segregation the idea of having a man, to a woman become exoticized, as there are few male figures in the women’s life to base their opinions on.

“Silence itself, the things one declines to say, or is forbidden to name, the discretion that is required between different speakers- is less the absolute discourse, the other side from which it is separated by a strict boundary, than an element that functions alongside the thing said. There is not one but many silences, and they are an integral part of the strategies that underlie and permeate discourses”<sup>11</sup>

Silence, is a key factor in the masking of queer identities in the Middle East, and it often proves to be the strongest method of repression. “There is not one but many silences, and they are an integral part of the strategies that underlie and

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<sup>10</sup> Zaki, Beset. *Missing Voices: Gender Equality in the Arab World*. Geneva: World Bank Journal, 2013.

Online.

<sup>11</sup> Foucault 27

permeate discourses,” as Foucault says. Silence gives many opportunities for miscommunication in regard to what the individuals feel in the repressed and repressive societies that I will be discussing. Due to the queer subject’s blockage and inability to express who they “really” are, an internal struggle is created. This struggle although negative, often gives way to create incredible artistic pieces, including underground poems allowing the individuals to feel less alone.

“Power is constitutive to the story, tracking power through various moments simply helps emphasize the fundamentally processed character of historical production to insist that what history is matters less that how history works, thus power itself works together with history”<sup>12</sup>

Trouillot’s analysis in *Silencing the Past* contextualizes how history essentially creates itself. The beginning of the deconstruction of societal norms starts with a communal thinking, a discourse between individuals to make them feel less alone. Trouillot constructs a perfect example of how the battle can be moved in relation to queers in the Middle East. Power comes from establishing one’s idea, and choosing to believe that it is an idea that should be fought for. The first steps ensue, embarrassment and the stigma of identifying as queer removing itself slowly. Through the Baccha and the notion of “laying with young boys”, Muslims cannot deny is the existence of same sex desire in the Qur’an.

“ For those of your women who commit sexual obscenities find them four witnesses, and if they verify then jail them in their homes until they die or until God

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<sup>12</sup> Trouillot, Michel Rolph. *Silencing the Past: Power and the Production of History*. Boston: Beacon Press, 1995. 1-40. Print.

finds another way for them. And as for those two males who commit this then hurt them, and should they repent and right their ways then let them go for God is compassionate”<sup>13</sup>

In the Islamic faith, the focus is on worshipping your centered around the family, having children and looking after your man, queerness clearly does not fit into the stereotype. However, for the Qur’an state that they should be “jailed in their homes until they die” is quite obscure. It does, explain on the other hand where the stigma against queerness comes from. Conservative Muslims have two options; either becoming radicalists, or dive into a sea of repression; choosing to live according to the Quran’s rules. This could also be seen as these are the people who are writing the secret cryptic poems, forever afraid of the consequences of disobeying their religion.

“They were fixed by a gaze, isolated and animated by the attention they received. Power operated as a mechanism of attraction; it drew out those peculiarities over which it kept watch. Pleasure spread to power that harried it; power anchored the pleasure it uncovered”<sup>14</sup>

This degree of separation also appears in Foucault’s *History of Sexuality*.” He discusses what this sort of attention does to a person, forcing them to appear as the outsider with a constant shadow over their lives, unshakeable considering its divergence from the “norm.” The use of power also remains extremely prevalent in the othering of the queer population of the Middle Eastern world. Foucault discusses how the people who are considered the “other” are fascinated by this random

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<sup>13</sup> Habib 60

<sup>14</sup> Foucault 44

attention they receive, allowing the process of isolation to make them feel pleasure in some capacity. “Pleasure spread to power that harried it; power anchored the pleasure it uncovered” gives hope to the queer population, stating that they could learn to find enjoyment out of being different, how sometimes basking in one’s otherness actually makes them unique. It is controversial how male royals in the Arabian world usually have servant boys who attend to their sexual needs but how this activity does not appear to be homoerotic at all. This begs the question as to who decides the rules as to what is stereotypically gay behavior and what can be defined ironically as “royal treatment.”

“The prince, whose mother was one of 50 children of the late King Saud, paid for his 32-year-old manservant to fly around the world and stay in the best hotels. They shared a bed but the prince frequently subjected his manservant to violent attacks, such as the beating, which was captured on the CCTV camera in a hotel lift three weeks before Bandar Abdulaziz's death.<sup>15</sup>

In 2010, Prince Saud bin Abdulaziz bin Nasir of Saudi Arabia was given a lifelong sentence in jail for murdering his manservant. There were many speculations as to why, but after further investigation it was found that the Prince had been conducting a queer relationship with his servant: The prince was in clear denial about his same sex desire, often beating his manservant and choosing to deny his desires, however when he did end up murdering his servant it became obvious of his

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<sup>15</sup> Summers, Chris. *How murder exposed Saudi prince's queer life*. London: BBC News, 2010. Online.

repression towards his own sexuality. Due to his repressive background, literally coming from the Saudi Arabian royal family, there was no way this relationship would ever be supported, forcing his actions to be as extreme as they were.

“Whoever sleeps with a woman, if his superior or his chief constrains him, he shall say so. If he himself does not dare tell him, he shall tell his fellow servant and shall bathe anyway”<sup>16</sup>

There are vague accounts with encounters of same sex desire in history. In particular, the majority of the stories come from ancient Egypt in which, servants and masters would commonly lay with one another for company while the women were away. The term “bathe” in this scenario refers to sexual acts, serving as a metaphor between what is considered moral between two males if they are of royal status. It appears quite bizarre how it is socially acceptable to lay with one’s servant if their wife or lover is preoccupied. Also, what else should be considered is the use of water and its connotations. One is allowed to “bathe anyway” in cases where their wife is engaged in other activity, but if other affectionate tendencies or regimes form is this considered completely condemned. With that being said, there were several figures in history that practiced their gayness and truly embraced it as a part of their character,

“ During the period of Abu Nuwas, there was a gay Muslim who made history. Caliph Al-Amin, the son of Harun al- Rashid, led the Muslim world despite being openly gay. Muslim historian Al-Tabari wrote that he fell madly in love with one of his man slaves, Kauthar, whom he had named after a river in paradise. Al Amin’s

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<sup>16</sup> Wold, Donald J. *Out of Order*. Michigan: BakerBooks, 1998. Print.

mother went to great lengths, including fashioning young women in the harem into men, to lure her son away from queerness. Of course, she failed”<sup>17</sup>

This is the first example of openly queer behavior throughout the Islamic tales of the Qur’an. Al Amin was of the bourgeoisie class, demonstrating an outlier approach. Instead of just choosing to “bathe” with his manservant. Al Amin took the alternate route and chose to fall into a love so beautiful that he gave the name “Kauthar” to his manservant, signifying that his partner was worthy of being named something as beautiful as an ebbing river. The significance of his name displays how much he valued his partner, usually the manservants were not given names, but to given one of such importance demonstrates their unique bond. His mother went to great lengths upon knowing that he was a queer, in attempt to change who he was, displaying the conservative rules she abided by constructed through the Quran. However, for the first time in history did he fight back and continue to write about his lover, bathing freely as people watched, horrified.

Despite the risk of death, queers are flooding out of their hiding spots and into the streets. In Kuwait for example, one can often see gangs of queers walking together.<sup>18</sup> The dress code for male queers in Kuwait is tight dark clothing; extremely prominent eyebrows, white foundation with powder and a little subtle lipstick. For females, they dress up like males with short spiky hair, studs and chains. These sorts

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<sup>17</sup> Jamaa, Afdhere. *Queer Muslims in History*. Birmingham: Islam and Same sex desire Magazine, 2015. Online.

<sup>18</sup> Hannaan, Ferouz. "Same sex desire in the Middle East." *Muslim Observer* 9 Nov. 2007. Online.



of divergent acts are the foundational premise that Trouillot talks about when attempting to discuss what making history looks like. History is made when one defies the norms and chooses to impose a sense of self apart from others.

In the Qur'an, there is a section dedicated to a place similar to Heaven where rules do not apply in the same accordance as before. According to Qur'an scholar Abdul Aziz Ben Latif, if two men practice queer acts, then it is deemed acceptable as they are in this paradise. Martyrs for the cause of Allah enjoy an orgy of virgins and perpetual youth<sup>19</sup> as "boys"<sup>20</sup>, "immortal boys will circulate among them, when you see them you will count them as scattered pearls."<sup>21</sup> The mere presence of boys doesn't necessarily mean the practice of intercourse, however it is hinted at deeply with the particular emphasis on the effeminacy, handsomeness and youthfulness of the boys.

"She came by Nuaman Bin al-Muthir and so he took her to his wife Hind. She fell madly in love with her. Hind was the best of the folks of her time, she was completely without excesses. The daughter of Hassan did not cease to deceive her and to deceptively depict grinding her and to say: in the union of two women there is a pleasure that cannot be between the woman and the man... Hind discovered a pleasure that was even greater than the other had described and their amorous desire for each other increased- and it had never been so between women before this"<sup>22</sup>

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<sup>19</sup> Qu'ran 56:17

<sup>20</sup> Quran 76:17

<sup>21</sup> Ferouz 21

<sup>22</sup> Habib 30

A very bourgeoisie woman and her maidservant were thought to be having an intimate affair. Even though it is vaguely explained; the author depicts it as a time where no one knew actual tender ways of love. Upon the discovery of queer intimacy, the woman found meaning in her life. Through this grand declaration of stating that there cannot be a love as strongly intimate as that shared between two women, Hind declares same sex desire as a reality. A lot of Arabic culture surrounds itself with the idea of “excess”, one should be surrounded in riches and status in order to make themselves happy, and however she defies this notion. While discovering that excess does not bring upon happiness, does she also realize what she needed; the feeling of actual love. This could also be read that Arabic marriages, when arranged, cannot produce results of love.

Through diverging away from the “norm” of settling down and having children, did Hind declare herself almost as free choosing to love who she wanted as opposed to who she was given to. The passion between the two Yemeni women was the first of many lesbian love affairs to come; however their story did end in disaster. One could argue that this sort of love story is similar to that of “Romeo and Juliet”, two people who could not be in love, a man (Hind’s husband), so engulfed in rage that he did not know what to do, murdering them both in order to make them pay for his loss of pride. However, through the prosecution of Hind, did her husband put her into the category of the “other”, further forcing her distance in normality.

“<sup>23</sup>Homosexuality appeared as one of the forms of sexuality, when it was derived from the practice of sodomy onto a kind of interior androgyny, a hermaphrodism of the soul. The sodomite had been a temporary aberration; the queer was now a species”<sup>24</sup>

Foucault puts into context how by a queer automatically gives someone “the identity of the other, as they are not the same. Even though this is fundamentally different from the act of sodomy, the entire act of queer intimacy falls under a whole new category, Islamic society choosing to clump them into a sub category of a different kind of species entirely.

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<sup>23</sup> Foucault 42

<sup>24</sup> Foucault 43

## **CHAPTER 1: Queer Lives in Contemporary Tunisia**

*“My mother’s friend is a highly respected architect in Tunisia. However, the ongoing scandal in our community is that he is a queer man. I was told that if he were ever to reveal his actual self, would he never be taken seriously and that all of his clients seek help elsewhere. I asked myself why.”*

My mother and Kais\* have been friends since before I was born. Despite his “effeminate” nature and mysterious trips to Rome, Paris and London to visit “old friends” (international lovers) my mother insisted he was heterosexual, bringing up his son from a previous marriage. Around his clients, he would appear serious and “masculine,” however in the comfort of his friends and family, he openly discussed his same-sex attractions, often, ironically, in the context of finding (heterosexual) suitors for my sister and me.

*“Tunisia will always be a part of who I am. When I was 12, one of my mom’s close friends came over, a man with feminine tendencies who was sweet and kind. I asked my mother what people thought of him and she told me he was a joke, too flamboyant for “our people””.*

Tunisian society circulates around hierarchy, what one’s family name means and how much money they have. I am from La Marsa, which is one of the richest suburbs in the country. My mother’s friend, who was given the nickname Ha7ra, is from Sfax, a middle class area. Ha7ra is Tunisian slang for feminine entertainer,

which also implied his joke status. There would often be comments pertaining to his upbringing as almost an explanation for his flamboyant tendencies.

*“My cousin is a beautiful girl, who has never brought home a man. When she turned 28, my Aunt brought home a man who courted her until she was worn down and agreed to marry him. In their marriage, they have never had any children, and apparent “maids” come in and out, each time sporting new clothes and a glow. It is wonder what these so called maids actually do.”*

My cousin Soraya has always been rather boyish, she chose to cut her hair short which is not common in suburbs, and also would wear suits to family events, often the only woman not in an extravagant dress. In her marriage, it was obvious that there was no connection between the two, they only wed for status reasons. Whenever my sister and I would dine at her lavish abode, there were constantly young girls supposedly tidying around the home. They were never in the usual uniform, causing speculation as to what they did.

*“My neighbor was an interesting boy with a deep love of painting. During his childhood he created murals honoring great men. When I was 15, I came back one summer and he had been sent to Paris in order to follow the ways of the Qur'an.”*

My neighbor Marwan was arguably one of the most talented boys in the district. He also was a fan of French literature, often making murals honoring Foucault, Flaubert etc. His work was always somewhat erotic and worried his conservative parents. At dinners with our families, he often would be cut off when talking about his work, his mother babbling over him discussing his brother's achievements in sports and mathematics. When I returned to Tunisia at 15, he was

gone without a word as to where, but I soon found out he was sent to a Mosque School, training young men to be Imams (Muslim version of a priest).

Tunisia is a country that I was fortunate to spend every summer in. It is both beautiful and nurturing, offering the best lifestyle to my sister and myself. However, what it does lack is a universal acceptance of a type of whom, just because of their sexual orientation are constantly seen as the fools of the city. Men who display too much emotion are seen as feminine and are not taken seriously by their peers, often recognized as the “fruity friend” in common Tunisian slang. What remains to be a constant mystery is how the flamboyance and decadence displayed in “the excess” in, essentially what is known as the “bourgeoisie” class but to perform one’s gender in a way which is outside of the stereotype is often seen as disrespectful, giving the LGBT a sense of other through their portrayals of who they are.

The youth of Tunisia are attempting to change this issue through the use of the Internet, coming together in discussion across forums. Two young people specifically choose not to portray their “out” behavior”, stating, “Sabri and Aymen believe that the LGBT community is not being given adequate recognition. “Gay rights should be a concern of the government. In a society that expresses discrimination and hate toward us, instead of respect we need legal protection,” declared Aymen.”<sup>25</sup>

The government seems more interested in how the country looks in terms of tourism than it neglects the most important part of it all: their people. Two people in Tunisia

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<sup>25</sup> Samti, Farah. *Gay Tunisians speak out*. Tunis: PinkNews, 2012. Online.

already do not feel comfortable in choosing to come out to their friends or even their work places, already through the work places not accepting them fully is a breach on the Declaration of Human Rights itself. The larger issue is confirmed through the fact that there has no been a progressive movement through education in Tunisian local schools in terms of LGBT rights, the older generation perhaps is too far gone to the point where their views cannot be changed. However, what should be a progression is how gay people are viewed. As opposed to choosing to completely isolate them almost in the way of being a third gender, there should be a movement to widely accept them throughout the country.

Through the government's rejection of any form of universal rights for the queer community it does not seem that any advanced efforts will occur,

“Tunisian minister of human rights, transitional justice and spokesman of the Tunisian government, Samir Dilou has rejected a recommendation by the United Nations Human Rights Council (UNHRC) to decriminalize same-sex acts, stating that sexual orientation was a western concept which is incompatible with Islam, Tunisian culture and traditions.”<sup>26</sup>

Through the Tunisian minister's rejection of a basic human right, he has already forced the nation into a steady decline. As the direct recommendation came from the UNHRC, it clearly was an attempt for the world to move in a more

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<sup>26</sup> Littaur, Dan. *Tunisia rejects UNHRC recommendation to decriminalise gay sex*. Tunis: PinkNews, 2012

.Online.

progressive direction. As the minister chose to keep the LGBT law standing, he chose to push Tunisia further away from the rest of the world, putting it on the same tier as the strict rule of Saudi Arabia. Tunisia, in terms of moving forward liberally alongside the rest of the world is extremely backward; choosing to prosecute certain people based on the fact their consensual choices, already a violation on a law implemented.

In September of 2015, a twenty two year old man was arrested for having consensual sex with his partner. However, the bizarre backstory is that the partner was murdered and the police currently want to pin the murder on the man who has no connection to the murder besides an intimate relationship, Vice News reported,

“Another statement was drawn up and my client had to undergo an anal exam against his will,” Braham said. The man was then subjected to an anal probe in a nearby hospital to “verify” whether he was indeed a queer. Prosecutors submitted the test as evidence in the trial, the court found the man guilty of violating article 230. He was given a one year prison sentence on September 24<sup>th</sup>,<sup>27</sup>

This examination is a violation of basic human rights and also an uncomfortable test to have to go through. Also, verification of queer is a breach on privacy overall. Through Tunisia’s forceful method of making this man go through an anal exam it is displaying the obvious homophobia throughout the state.

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<sup>27</sup> Shapiro, Avi. *Outrage After Tunisia Arrests and Anally Probes A Man For Being Gay*. Tunis: Vice News, 2015. 1-3. Online.



Three years ago, a queer Italian tourist was murdered in the beach town of Hammamet, a place that in my eyes seemed extremely liberal. Many people witnessed the murder, but no one chose on the basis that the man was openly gay,

“Angelo’s friend, Martine Costa, published a Facebook update detailing her account of what happened: ‘At 2am, our friend Angelo cried "help!", his cries... echoed... and heard in... the street but no one intervened, because... a queer was involved ‘The neighbor, who said she heard the cries, remained still,’ and continued eating her shorba soup”<sup>28</sup>

A place where people attend to their soup above human decency calls for an extreme motion of help, which apparently no one seems to be picking up on. This anecdote sums up the human rights conditions that the LGBT community lives in, perpetual fear with little hope of moving forward. However, there are improvements seem to be on the horizon.

In March of 2016, a band of LGBT youths decided to combat the occurrences through use of protests and drawing up a bill. The trigger being that the government carries out humiliating forced anal examinations on all those suspected of being queer to determine whether sodomy has taken place. These examinations are undertaken in violation of international law and medical ethics. The UN has also attempted to step in and have deemed it under a clause of torture.

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<sup>28</sup> Littaur, Dan. *Brutal murder of gay Italian in Tunisia*. Tunis: Gay Star News, 2012. Online.

The new constitution, supported by every major political party affords every Tunisian citizen the right to privacy and personal liberty, yet the penal code grants the police wide ranging powers to investigate, and the judicial powers wide ranging authority to punish, anyone suspected of being a queer.<sup>29</sup>

After the first failed attempt to intervene in Tunisia's immoral ways, the UN decided to take a more aggressive approach. By outlining the challenges faced by the LGBTI community and intervention groups, they are planning on making the bill started by the LGBT youths a reality. In a recent meeting concerning this issue, it was reported the European Commission and the European External Action Service would look at what could be done to encourage Tunisia to bring its penal code in line with its constitution.<sup>30</sup>

After the fiasco of the harassment concerning the gay man accused of murdering his partner occurred, the Tunisian Minister of Justice has chosen to appeal for the country's law against male on male sexual relations. Although this is only a small act of remission to justice, just the act of asking for a repeal is monumental. The Tunisian LGBTI community has one member on the board of MPs representing them,

“Ahmed Ben Amor, vice president of the Shams association, which fights for the decriminalization of queer desire in Tunisia, said 500 people are currently in

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<sup>29</sup> Patrick, Joseph. "Tunisia's brave LGBT community is battling homophobia and anal 'exams.'" *Pink News* 15 Mar. 2016 . Online

<sup>30</sup> Ibid Patrick

prison in Tunisia for sodomy: “There are about 50 arrests a year, according to our calculations,”<sup>31</sup>

Although, from a western approach, it does not seem that there is any movement towards social justice for the future, but the mere fact that the arrests on sodomy are recognized is monumental. As there is one member on the board who is fighting towards decriminalization, it suggests that perhaps the conservative Arab ways are changing. This is also emphasized by the start up of the first LGBT activist group publicly surfacing and choosing to take action against these absurd arrests. They have chosen to take to the streets,

“Marwen’s story has struck a deep chord among LGBT activists, however, according to Dr. Amna Guellali, director of Human Rights Watch in Tunisia, “his story is all too familiar,” where over 10 gay men have been killed in hate crimes since the 2010-2011 revolution. What makes Marwen’s story so different is the fact that it has become public – activists have campaigned tirelessly and managed to make the case widely known across Tunisia. At the Shams event on Saturday, all participants rallied around the same goal: to abolish Article 230, the law that was first established by colonial French authorities in 1913.”<sup>32</sup>

Through a monumental turn of events, the act of total abuse of human rights was recognized by the general public and turned into a rally, the first of its kind

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<sup>31</sup> Stewart, Collin. *Tunisian justice minister seeks repeal of gay sex ban*. Tunis: 79 Crimes Magazine, 2015 . Online.

<sup>32</sup> McCormick, Conor. *Tunisia LGBT group battles for justice in case of imprisoned gay man*. Sousse: Middle East Eye, 2015. Online.

concerning queer rights. What also rings true to the situation is that fact that his saga is seen as “all too familiar”. This sort of behavior is often undocumented, swept under the rug; this is Tunisia way of wanting to appear liberal in a “see nothing, say nothing” fashion. From my own experience as a Tunisian, local men are brought up to be stereotypically masculine, told to show off how much money and status they have through asserting their dominance upon others. In Tunisian weddings, it is tradition for the bride to show her loyalty to the groom through a prolonged ceremony. After she has proven that she will remain faithful and stay by his side, then they can get married. When men do not aspire for this very traditional type of wedding and wanting their wives to serve them, this sort of attitude causing problems. The men are normally ridiculed and seen as lesser people, leading to hate crimes alongside major events. What the criminals, so to speak believe, is that if there is a much larger happening at the time, they can commit crimes against the queers, as no one will know. These crimes are finally earning recognition.

Through *Effemines, Gigolos, and MSMs in the Cyber Networks, Coffee Houses and "Secret Gardens" of Contemporary Tunis*, an ethnography focusing on the secret underground gay community in Tunis, the Tunisian group have adopted the nickname “Shams”, and have cleverly positioned themselves in order not to get caught in their acts,

“Rami opened the meeting that began one hour late with the reminder that attendance at this preparatory meeting was essential for participation in the upcoming public outreach initiatives. The first opted for discussion was the groups to be targeted by the campaign: “effeminés, gigolos, and MSMs.” I had never heard the term

“MSM” and Rami briefly clarified the acronym. I noted in the notebook my surprise at the lack of discussion surrounding the targeted subjects of the campaign: “Who determined these categories? Why were they spoken in French while all the activities of the meeting were communicated in Tunisian Arabic?”<sup>33</sup>

French first and foremost is half of the Tunisian language because Arabic from Tunisia is a mixture of Tunisian slang and French. In Tunisian culture, as someone from the background of such, it is very common to have an umbrella term as opposed to specific sectors, which encompass all of which could fall under “effeminés, gigolos, and MSMs.” It is extremely typical for there to be an assumption that all members in a group have done prior research to the topic presented and therefore the topics become vague. The topics, were most probably created by the leader of the Shams group and then clarified with other members, had the interviewer attempted to deepen his research he would have found that to be the case. The location also is pertinent to the association considering what it holds:

“The Café du Monde had been ascertained to be a key location where this interest could be publicly displayed. So for the first of the group’s public advocacy initiatives, the group determined to meet there.”<sup>34</sup>

Café Du Monde is in Sidi Bou Said, a street that is often frequented by tourists and artists of Tunisia. Therefore, it is not a place the police put deep security around, which makes it perfect for meetings, as there is not a stigma around what will be said

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<sup>33</sup> Collins, Rodney. *Effemines, Gigos, and MSMs in the Cyber Networks, Coffee Houses and "Secret*

*Gardens" of Contemporary Tunis*. New York: Duke University Press, 2012. Print.

<sup>34</sup> Ibid 25

in regard to free speech. As a local, one could say that it is one of the most liberal places in all of Tunis as everything is built on a hill and the further one ventures into Sidi Bou Said, the higher it gets with less security. Through Collin's research he points out the background of where his subjects come from stating,

“I am highlighting the contours of a movement that proceeds through micro-practices such as a single question relayed via an electronic message, which serves as a point of activation for something. Ba's generous comments are largely self-explanatory and under score many of the arguments made throughout this essay. Ba' is from an upper middle-class family in the suburb of La Marsa”<sup>35</sup>

The group that he discusses is one which is known as the “Shams” group, discusses in chapter 1. Also, La Marsa is where I come from, which is one of the richest suburbs in all of Tunisia and therefore puts a different approach to Ba's comments based on his upbringing. He was more likely to talk less openly regarding the Shams group considering how conservative the neighborhood is and what his stances are as someone from there.

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<sup>35</sup> Ibid 39

## **Chapter 2: Saudi Arabia and its Chained Principles**

One could attempt to understand the hatred towards the LGBT community through reading the Qur'an in depth. Saudi Arabia is actively trying to push the UN's "Declaration of Human Rights" out of their treaty, stating that it does not comply with the Islamic law,

"Faisal bin Hassan Trad, Saudi Arabia's ambassador at the UN was elected as chair of a panel of independent experts on the UN Human Rights Council. He has said calls for Saudi Arabia to support rights for same-sex couples were "unacceptable" and a "flagrant interference in its internal affairs".<sup>36</sup>

Bin Hassan Trad's beliefs on the movement towards equality in terms of LGBT rights being "unacceptable" is concerning due to the mission of the UN and also his position in the organization. This also gives light to how there cannot be any form of progression until his attitude either changes or they choose to substitute someone else for his position with a more liberalist attitude. The UN's declaration of Human Rights states in article 7 that:

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such

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<sup>36</sup> Osborne, Samuel. *Saudi Arabia insists UN keeps LGBT rights out of its development goals*. London:

The Independent, 2015. Online.

discrimination.”<sup>37</sup>

This statement creates the assumption that the application is for everyone, which is where the term, “All” comes from. The UN’s declaration is supposed to apply to everyone; not excluding any parts of the world including several religious practices et al. Therefore, Saudi Arabia, even though extremely rigid in its way of Islamic belief should adhere, choosing to view the UN’s set of new targets which have been established this year unnecessary to implement in their country.

Saudi Arabia is arguably the most conservative country in regard to gay rights. Therefore, it is not surprising that absurd instances of discrimination continually occur. Saudi Arabia chooses to promote a backwards state of nation through lack of following other liberal countries. Developments of homophobia continue to spread as more couples are having their secrets come out. Four gay couples were arrested and jailed for life just for cohabitating together. Concerning the case, there is little evidence as to why they are being jailed besides on the grounds of same sex desire,

“The reports about gay weddings in Jeddah are baseless and lack credibility,” the spokesperson for the police said. “The security authorities do not have any record of such a case, and we urge people to verify their information with the official and trustworthy sources before they disseminate them.”<sup>38</sup>

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<sup>37</sup> *The Universal Declaration of Human Rights*. N.p.: n.p., 1948. Print.

<sup>38</sup> McCormick, Joseph. "Four gay men arrested in Saudi Arabia just for living as couples." *Pink News* (2016). Online.



The way the police go about their affairs is through word of mouth. If someone alerts them about a crime, which may or may not be true, they go into homes unannounced and arrest whoever was supposedly “defying the law.” As far as privacy goes, the police have the right to do as they please,

“Sharia is enforced in Saudi Arabia by *the muttawa*<sup>39</sup>. Being a foreigner provides no protection in Saudi Arabia, which annually beheads more foreigners than its own citizens.”<sup>40</sup>

Religion creates a commitment to a long-standing tradition. That tradition encouraging the lack of change, incorporating deep values, which now are completely outdated. The “muttawa” essentially translates to a police force who use their authority in order to jail people who will not comply exactly to the Qur’an’s ways of living, forgetting several instances of Arabic prophets who “lie” with their servants, often who are male.

Within the arrests, one in particular has caught the attention of the media. A well known doctor in the Sunni Kingdom hung a rainbow flag outside of his office because his eight year old son thought it was a happy and calming message for patients who were about to receive surgery.<sup>41</sup>

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<sup>39</sup> Saudi Arabia’s religious police that seeks out and arrests violators to be flogged, imprisoned and/or beheaded

<sup>40</sup> “Saudi Arabian Laws: A-Z, A Foreigner's Perspective.” *Shari Law Press* (1980). Print.

<sup>41</sup> Peath, Charlie A. "Saudi government ‘wants to EXECUTE gay people who show their sexuality in public & onlin.” *Express Magazine* 13 Mar. 2016. Online.

“The doctor was arrested under the charges that he was promoting queer activity in his practice. Luckily, he was released shortly, horrified at his experience and did not know why he had been arrested in the first place. The doctor also was put under close watch following the incident in case he exhibited further loyalty to the queer community”<sup>42</sup>

The ban on same sex desire has become so bad that even through social media one is at risk of prosecution. In April 2016, a Twitter trend went viral after the hanging of a local man accused of sodomy. Many Saudi Arabians were appalled by the lack of justice, tweeting support and condolences for the family. Within the country and outside its borders, LGBT people and their supporters have used this as a forum, choosing to fight back after being blamed for their sexuality and gender identity using ways of social media to fight back against the threat of capital punishment. Through the hashtag “You will not terrorize me, I’m gay,” they posted messages condemning the prosecutors.<sup>43</sup> The Saudi Arabian government heard word of this going on and chose to shut down Twitter through blocking it across servers, and also threatening over the news to publicly hang anyone who chose to tweet about queer behaviors.

Saudi Arabian newspaper “*Oraz*”, reported that prosecutors are planning to push for the death penalty against persons identifying as LGBT that they find living openly on social media,

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<sup>42</sup> Ibid Pleat

<sup>43</sup> Volkert, Zachary. "LGBT Rights In Saudi Arabia: Nation’s Prosecutors Want Executions For Coming Out On Social Media “*The Inquisitor* Apr. 2016. Online.

“Engaging in queer activity or wearing clothing that does not correspond to genitalia is perceived to be on the rise in the country, which is why the police force has received note to jail anyone doing as such. In the last six months, more than 50 cases of “cross-dressing” men and 35 cases of sodomy have been reported.”<sup>44</sup>

These “reports” also have no basis of being crimes if they were contextualized into western standards causing their validation to be redundant. However, because the Kingdom holds its values towards the Qur’an so dear they are going through extreme lengths in order to ban same sex desire, trying to wash out anyone who dare attempt to defy the law. Saudi Arabia’s objection to any recognition of LGBT human rights may also be a basis of hiding the fact that in the country itself has a history of torture, and values the practice regardless of how it is viewed. It is ambiguous to confirm data surrounding the prosecution of gay people charged under Saudi Arabia’s justice system, as consensual queer acts are often legally indistinguishable from rape or pedophilia under the country’s laws therefore most cases are addressed through case by case basis. However, there are extreme and horrific circumstances, following anyone who is caught in the act.

A spokesperson at Amnesty International when addressed about the most recent situation declared “Saudi Arabia has one of the worst human rights records in the world.”<sup>45</sup> She also gave insight to their use of public execution, discrimination and intolerance for free speech, to name a few. Alongside Amnesty International, social

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<sup>44</sup> Ibid 2

<sup>45</sup> O’Connell, Kit. *At UN Human Rights Council, Saudi Arabia Supports Right To Torture & Execute LGBT People*. Geneva: Mint Press News, 2016 . Online.

media sites alike Twitter and Facebook have also been taking note of the recent crackdown on LGBT social media uses, which are apparently becoming as prevalent as there has been connections forming between terrorist organizations alike Daesh (ISIS in English) and mysterious queer hangings. In

front of the Wael Hotel in Riyadh, Saudi Arabia, an ISIS judge gave the fates of two men convicted of queer activity where they would be hung as punishment. These men both promised to change their ways and repent their sins for the entirety of their lives, but were spared no mercy, notorious for their gruesome methods of killing,

“ISIS reserves one of its most brutal for suspected queers. Videos it has released show, masked militants dangling men over the precipices of buildings by their legs to drop them head-first or tossing them over the edge.”<sup>46</sup>

According to New York-based OutRight Action International. ISIS militants on charges of sodomy, proving that there definitely has been some sort of connection between same sex desire and the organization, have killed at least 36 men across Saudi Arabia, Syria and Iraq.

Saudi Arabia values torture amongst inhumane methods in order to receive information and break down their enemies. On the 12 April 2016, a report on same sex desire was presented to the UN human rights council, the members representing Saudi Arabia interjected on the topic,

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<sup>46</sup> Majidi, Mohammed E. *Inside look at ISIS' brutal persecution of gays*. Rayhanli: CBS News, 2013. Online.

“Saudi Arabia protested because Mendez’s report included 65 references to sexual orientation and was an attempt to use the eradication of torture to promote other issues, which lacked any ground in international law. In essence, the Gulf kingdom, claiming to be speaking “on behalf of a number of countries,” was concerned that objecting to police torture might also require its own government to advocate for the human rights of LGBT people.”<sup>47</sup>

Through the interventions, Saudi Arabia strengthened their breaches against the orders of the UDHR, going to the lengths of banning other members to listen to the introduction of new methods of homophobia protection worldwide. The free speech of a European member can set off a catalyst in the Saudi Arabian world, creating more of a dissonance between the ideologies of the western world and the shackles of the Middle East. The issue further lies in their aggressive approaches; it is unnecessary to place queers in front of their people, only to assert dominance in their government as opposed to fair warnings.

In response to the conservative nature of the government, beyond social media forums one man in particular conducted the holy pilgrimage onto Meccah, the first openly gay man to do so. Parvez Sharma, a New York based documentarian who recorded through undercover means using his iPhone as apparatus,

“Early in the film, Mr. Sharma marries his live-in lover at City Hall in

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<sup>47</sup> O’Connell, Kit. *At UN Human Rights Council, Saudi Arabia Supports Right To Torture & Execute LGBT People*. Geneva: Mint Press News, 2016 . Online.

Manhattan. “Islam would condemn my wedding, but Islam has always been a central part of my very being,” Mr. Sharma says in a voice-over as he prepares to pray at home. “I am now faced with a crisis of faith. I need to prove that I can be a good Muslim and be gay.””<sup>48</sup>

Through his journey, Sharma displays the difficulty of the journey, ironically portraying his documentaries through the title, “Haram Films” the irony lying in the word “Haram”, meaning unholy and corrupt. His entire documentary displays unclear documentation of the pilgrimage, adding another layer to the secrecy, a metaphor for both his same sex desire and also the disrupt nature of filming under the circumstances, “I am once again in the closet, not only as a gay person but also as a filmmaker”<sup>49</sup> His views on Islam remain loyal to the faith, however he claims that if Mohammed the holy prophet were around, he would not recognize what has come of the faith,

“The Islam the Prophet Muhammad fought so hard to build was a religion of peace,” he says as we see him in Medina, where Muhammad is buried. “Today’s Islam, which has been hijacked by a violent minority, would not be recognized by him.””<sup>50</sup>

Sharma argues that the rules of the religion have been so disorientated that if Mohammed himself were to come back to Earth, he not recognize the religion he

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<sup>48</sup> Webster, Andy. In *‘A Sinner in Mecca,’ a Gay Director Ponders His Sexuality and Islamic Faith*. New York: New York Times, 2015. Online.

<sup>49</sup> Ibid Webster

<sup>50</sup> Webster Ibid

helped build. The “violent minority” he refers to are the terrorists groups who have skewed the rules and attempted to create disorder through rules of Allah.

### **Chapter 3: The Secret Lives of Transgender Iran**

*“ When I was living in Oman, my mother had a very beautiful Iranian friend. She was known quite well across the country considering her socialite status. She was a young sixty, also known as a woman who took on young female lovers. However, whenever approached, she would blush, giggle and brush off the comments, insisting they “kept her young”*

My mother’s friend Jamilah was well known in Oman for her critical eye for art and also her admiration of younger women. She had a knack for going to art galleries and finding a queer woman to befriend, who would eventually become her lovers. Whenever she was asked about these women and what they were to her, she never had a clear answer, although she would shower them in gifts and go to Dubai on what would be considered romantic retreats.

*“In Iran we don’t have queers like in your country. We don’t have that in our country. I don’t know who has told you that we have it.”*

The above are the words of Mahmoud Ahmadinejad at a conference at Columbia University, questions arose concerning the apparent miscommunication about queers in Iran, “we don’t have that in our country” a rather loaded statement considering their policies regarding transgender surgery. This concept of queers appearing extremely foreign to Ahmadinejad, as apparently, none exist in Iran whatsoever. With that said, what are the explanations behind the laws of transexuality?



“Obviously, Ahmadinejad abhors the western values that Iraj, eighty years earlier, embraced in the name of modernity, but the two men *do* agree on one point: sexuality between men has no place in post-Qajar Iran. The rhetorical difference is that Iraj sees Iranian same sex desire as a local problem in need of eradication; Ahmadinejad labels it a Western phenomenon completely foreign to his “motherland.”<sup>51</sup>

In Iran, same sex relationships are punishable by fines, jail time, several lashes and in some circumstances, death penalties. However, what is ironic is Iran’s policies concerning transexuality, stating that it is, in fact legal if accompanied by a sex change regardless of where the surgery takes place. Furthermore, the state often funds the surgery if the patient is diagnosed with gender dysmorphia, creating a bizarre gap between what is considered fine in the Iranian world of LGBT affairs and what is not. Iran’s law specifically article 109 states,

“In case of sodomy, both the active and the passive persons will be condemned to its punishment.” Article 110: “Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.” Even kissing or standing naked under one roof are considered crimes and subject to punishment of up to 99 lashes. Article 134: “If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than one hundred (100) lashes.”<sup>52</sup>

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<sup>51</sup> Boone, Joseph A. *Modernist Re-Orientations: Imagining Homoerotic Desire in the "Nearly" Middle East*. Vol. 17. Baltimore: Johns Hopkins University Press, 2010. 200 vols. Print.

<sup>52</sup> Salkin, Jeffrey. *Why is There LGBT Silence in Iran*. Tehran: JPost, 2016. Online.

Consent by definition, is a mutual understanding that both partners would like to be involved in said activity, and their of them opposes as such. What Sharia law decides, is that this is wrong, all queer acts should be condemned by death, and even if two women who are standing naked, if not family related should receive lashings. There is also a law that if two people are under one roof and they kiss, someone reports it to the police and they get sent to jail. However, what should be a factor in this decision are familial members and also different kinds of relationships thus amounting to physicality.

The surreal laws concerning transgender law remain a mystery; after one undergoes surgery there is no form of support system in terms of the transition process. In most cases, they are shunned from inclusion into daily life, often they are refused jobs and receiving harassment from people who don't understand them. Most transgender people seek refuge in Turkey, because there are no visa regulations. However, upon arriving there they face a plethora of issues, often facing prostitution in addition to constant rejection from jobs due to their divergent gender.

A transgender refugee who goes by Sepi made the decision to move to Turkey after receiving abuse from her parents, the police and many relatives. As she did not have the means to have bottom surgery, she was still identified as a man according to the Iranian government. This further meant that in order not to receive harassment she would have to conform to male gender norms. She identified as female choosing to rebel against the system, however by doing so attracting unnecessary attention,

“Iran's plain-clothes "moral" police act as a volunteer militia and report to the country's Revolutionary Guard. They patrol the streets and can arrest people for "inappropriate" appearance and activities, which is anything not in accordance with Islamic law: women wearing nail polish or bright lipstick, men having long hair, unmarried couples holding hands in the street. Sepi was an easy target for the basij; without the surgery, she wasn't legally allowed to dress like a woman, but she always did. She admits she was easy to spot,

"A lot of the basij would touch my penis with the excuse that they wanted to see if I was a girl or a boy," Sepi says. "Then they'd say, 'Pull down your pants so we can see what you are.' I'd tell them that I wouldn't, so they would hit me."<sup>53</sup>

What is questionable entirely about the transgender movement across Iran is that the LGBT communities are; by no means free to express themselves. Sepi's story is the first of many where the way they look does not match up to how they identify, causing people to question them even in the midst of transitioning. What happens further circling around these abuses is a movement away from Iran in hope to find acceptance. Due to their non-conforming identities, a lot of transgender people have to turn to prostitution just to have a place to sleep for the night. Sepi discusses her struggles stating that the places she sleeps are where she stays but never could be defined as her home. The greater issue in terms of accommodation is that the majority

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<sup>53</sup> Kalantari, Shuka. *Transgender Iranian Refugees Are Struggling to Outrun Prostitution and Violence*.

New York: Vice News, 2015 . Online.

of those renting rooms are men wanting sex, and if not provided with the service turn to violence in order to solve the matter. Families are often judgmental, constantly asking why their child turned out the way they did as if it were a disease or a curse. In Sepi's case specifically she felt judgment from her family and a deep feeling within to never turn back. Fortunately for her and several refugees, there is a way out. Many apply for asylum in Canada; receiving the grant when admission officers read their horror stories.

However, the transition process does not happen as smoothly for most other people. They must undergo severe testing for months on end in order to be deemed worthy of receiving the government. Applicant must first go through what Doctor Najmabadi calls "filtering", a legal process of gender transition that involves a four-to-six month period of psychotherapy, along with hormonal and chromosomal tests<sup>54</sup>. The purpose of this process is to distinguish and segregate "true transsexuals," for whom same-sex desires are symptomatic of their transsexuality from queers, for whom same-sex desires are symptomatic of moral deviancy, seeking to "game the system."<sup>55</sup> What Muslim society divides people of difference by categories, therefore if one identifies as a woman, however has not finished the process of transitioning, they are not allowed, by force of the law to dress as such, continually being labeled as a transsexual instead of their preferred gender.

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<sup>54</sup> Ibid Shuka 7

<sup>55</sup> Terman, Rochelle. *Transition in Iran*. Tehran: World Policy Journal, 2015. Online.

Alongside receiving abuse constantly from dressing in their preferred gender, when going forth with the operation they are told things such as “This operation is one that is sent from hell. It will either kill you through the fact that you are changing God’s ways or the pain from the sex change will eat away at you”<sup>56</sup>

The doctor also unfairly suggests that the operation forces family members away from the patient, and also separates them from the rest of society. The final step in knowing if a patient is transgender or not, is if they are simply just a queer, they run away from the thought of the hellish operation whereas the people who are actively trans beg for the operation to take place sooner. Post operation, abuse awaits the trans community of Iran beginning in the waiting rooms. As there are no hate crime laws, people who work in the facilities such as doctors in other fields and receptions who also disapprove insisting that the patients are simply provoking the police to attack them.<sup>57</sup> A patient in the clinic, when attacked by abusive slurs such as indicating that she was choosing to defy God through her surgery, decided to defend herself and all transitioning people stating,

“ I do not provoke the police, I was supposed to be born a woman, but by the work of the Devil was I born like this. My family does not accept me as this so therefore I have to undergo surgery to become who I am, it’s not easy to understand but there you go”<sup>58</sup>

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<sup>56</sup> El Shaikh, Dr. Mohammed, perf. *Transsexuality in Iran: A Closer Gaze*. 2001. DVD.

<sup>57</sup> Ibid Mohammed 12

<sup>58</sup> Ibid scene 13, Dahlia

In the documentary, a scene shows insight to a patient receiving questions before entering the operating the room, one of which being would they receive the surgery if they lived somewhere outside of Iran. She stated that, “if there was not such a divide between man and women. she could freely be who she wanted she wouldn’t change God’s work, but as she lives in Iran she has no choice but to do it in order to live her life without harassment.”<sup>59</sup> After the operation, the audience see the patient again who states that the operation feels like a “woman in labour, and is definitely not worth the pain. The pain has just begun”.

The documentary ends in a melancholy manner, the viewer sees the client’s life now carried out as a woman; however instead of living a fully comfortable life she lives amongst other transgender women, carrying out sex work to pay the bills.

She insists that due to her family and all her friends from her village have shunned her she will never love again. It is easy for her to provide the services for the men as she feels empty from the way she was treated. When she is asked if she would go through with surgery had she had to do it again she cries and says no, as it has caused her more pain then ever imagined.

The patients believe, that the surgery will change their lives and make everything better, however when it actually comes down to it, it forces them into further isolation due to the extreme religious views that Iran holds forcing them to relocate for the better.

A client who also underwent the surgery was excommunicated after surgery. One crucial person in her life remained to be hesitant, her boyfriend (they were living

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<sup>59</sup> Ibid Dahlia

as a queer couple however the patient would dress up in female clothes to normalize the relationship) who was confused on his sexuality. After the surgery, there was discussion on marriage, however he could not see it happening considering they could never bear children nor would his family accept her transition because of her past.

These two stories resonate with one another providing an underlying message: it is impossible for re-insertion into society to take place without the aid of familial counseling and such. The surgery for some seems to be a dream, however after the entire transition one has to ask: what now? What are the next steps forward? Sadly for most Iranian transgender people they are shunned completely out of society, deemed unemployable based on their difference, sadly making their own form of income sex work. What Iran's government has failed to do is create a forum for queer people to come out, as there seems to be only two genders; man and woman that they can conform to. However what happens if a man is a queer? Iranian law states that it is punishable by death and the only way to be interested in men is if you are a woman. In a recent interview with Iranian transgender woman Pooja Mohseni she states:

“By contrast, being transgender has been legal in Iran ever since Khomeini granted a trans woman the right to gender-affirming surgery in 1980, after she had pleaded her case and he "took pity," Mohseni explains. The government now has a review board of psychologists and doctors that assesses who may access transition-related health care. But not everyone who transitions is actually trans. In an investigation earlier this year, Vice uncovered that the Iranian government has gone so far as to force some gay, cisgender men to undergo hormone therapy and surgeries

that would be considered necessary if they were indeed transgender women. The alternative was death.<sup>60</sup>

In Iran if you are a queer there seems to be three options; to live your life elsewhere, to live your life as a woman and completely change who you are, or die.

In 2012, the UN attempted to aid Iran's LGBT struggle through a new bill. The issue is the Iranian government is choosing not to follow the lead of other superpowers, refusing to allow them to change their conservative ways,

“An Iranian lesbian and transgender network that attended the meeting, the Iranian government responded to the U.N. proposals with “denial, and even at times mischaracterization of Iranian law. These included decriminalizing same sex desire — which is considered an illness in Iran — and creating new informational resources for LGBTI youths. The committee also asked Iran to stop electroshock therapy, torture and other inhumane “treatments” for same sex desire, which are still practiced in Iran.”<sup>61</sup>

Iran uses some of the most inhuman methods of torture similar to Saudi Arabia in order to ban same sex desire across the country choosing to develop a very black and white scheme of things. There has been a constant battle in the country over the mistreatment of queers, often the community resorting to surgery or choosing to move

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<sup>60</sup> Kelleway, Mitch. *Living Trans From Iran to New York City*. New York: Advocate.com, 2015. Online.

<sup>61</sup> Flannagan, Jack. *Iran rejects U.N. plea to stop abuse of LGBTI youths*. Tehran: 76 Crimes Magazine, 2016. Online.



abroad in order to avoid harassment. The Iranian government does not opt for change however; insisting their ways are correct through the laws of the Qur'an.

One man in particular has attempted to channel his inner queer sorrow into art. Javan, a man from a small village in the South of Iran chose to depict his story through a series of comic style images. His story is similar to many closeted queers living in secret in Iran. Through his series of comic strip style stories, he unveils his hidden story of falling in love with a man. Iran's attitudes towards same sex desire are deeply aggressive, if one is found to be queer, a death penalty is an option,

"The stories they tell of persecution by family members -- banishment, violence, even imprisonment and torture in their own homes -- shock the conscience. Same-sex relations are a criminal offense in Iran. The penalties include jail, physical lashings, even the death penalty. Iranian attitudes are deeply homophobic."<sup>62</sup>

Life as a queer proves to be a challenging one: there is instant banishment from families and the parents begin to believe that their child is going against the ways of the Qur'an. The parents disapprove of their child, leading to physical harm inflicted on the individual and also brutality within the home. In the eyes of the Iranian government, if you produce a queer child, then as a parent one does have the right over the child, which also means that they can handle the situation in any way they feel is so necessary. This includes locking the individual away and depriving

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<sup>62</sup> Schmacher, Kevin. *Why We Need More Gay Iranian Love Stories Like This One*. Tehran: The

Huffington Post, 2013. Online.

them of food and water, searching for their partner and choosing to tell their families as well. It is certainly not the case that every family in Iran disowns or abuses their gay, lesbian or transgender loved ones. There are stories of love and acceptance, but they are uncommon. Through the article, Javan, the illustrator, was trying to encourage wider acceptance and greater openness to the discussion of sexual orientation and gender identity as part of basic human rights. This was also in the hope that Iran, as a country would take the beginning steps into becoming more progressive if it saw how deeply wounded its people of difference were becoming through the persecution. The government of Iran is choosing to keep same sex desire as a taboo subject and to look at it as the last option on the list of things to sort out within the country. The subject remains so guarded that a professor was fired for opening classroom discussion about LGBT as a social issue.

Several gay people across Iran are choosing to flee the country as opposed to dealing with the severe and brutal consequences that the government imposes on them. It is much more common for the police to target feminine men and insist they transition into becoming women, regardless of if they identity with the gender or not. It is harder to be a lesbian in Iran then it is to be a gay man considering it is a much more infrequent occurrence. In a recent interview with Donya, a lesbian residing in Iran she stated:

“Growing up in Iran, Donya kept her hair shaved or short, and wore caps instead of headscarves. She went to a doctor for help to stop her period. I was so young and I didn't really understand myself," she says. "I thought if I could stop getting my periods, I would be more masculine. If police officers asked for her ID and

noticed she was a girl, she says, they would reproach her: "Why are you like this? Go and change your gender."<sup>63</sup>

With statements from the police aggressively pushing her towards the surgery, it is not surprising that she felt some forms of gender dysmorphia. When an authoritative figure is constantly telling stating that you are a boy, of course you are going to believe as much. She began to follow the treatments, deepening her voice and growing thicker body hair. It did not satisfy her and she realized she definitely was not supported to be a man. She decided to end the process, causing her to feel “normal” once again. She still remained curious about her sexuality, choosing to seek refuge through social media forums, discovering that her homoerotic desires was perfectly normal in the western world.

Donya’s story of the police and society asking her to transition is not uncommon. Often, queer Iranians choose to flee Iran under asylum, and start their lives in more liberal countries where their gender and sexuality will not be questioned. Turkey is often a country chosen for relocation due to its high acceptance of asylum seekers. Turkey, is not as accepting as Canada or the Netherlands, so often those of the forced transgendered community end up in prostitution, unable to receive jobs as they do not fit into a certain category.

Queer foreigners are also taking note of the severity of the consequences behind being gay in Iran going to extreme attempts not to enter the country. Iran

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<sup>63</sup> Hamedani, Ali. "The gay people pushed to change their gender." *BBC News* 5 Nov. 2014 . Online.

always has been a country with strong beliefs alike covering one's hair and dressing conservatively. Islamic laws must be obeyed and if not, there will be stern consequences. Whenever flights come into Iran, the international staff on board must also follow the dress and protocols of the Iranian way of life. In April of 2016, cabin crew began to speak out in regard to their treatment when posted in Iran. Iran's rule of same sex desire punishable by death has led many of the crewmembers to feel uneasy,

"Now gay members of the airline's cabin crew are demanding to have the same right to opt out of the now controversial route to the anti-LGBT country. In a change.org petition, titled "We don't want to fly to death in Iran," gay flight attendants want the same choice as their straight female counterparts."<sup>64</sup>

Female crew members on Air France now have the option to opt out of flying to Iran based on their discomfort of the country and its laws toward women, however the queer males are not receiving the same treatment. The petition was launched by a gay cabin crew member, going by "Laurent M" stating that Air France had decided to continue its trips to Tehran, however what the company did not do was ask the women of Iran how they felt about their rights or how the women on board felt about the dress code they were forced to adhere to. Finally, he stated that he will not fly to his death and begged all queers not to go. There is legitimate fear

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<sup>64</sup> Sewell, Annie. *AIR FRANCE GAY FLIGHT ATTENDANTS SAY NO TO IRAN ROUTE CITING*

*BRUTAL ANTI-LGBT LAWS*. Paris: The Inquisitor, 2016. Online.

coming from these men, considering it is their jobs to fly country to country, having little to no choice where they land. Through Air France's decision to continue the voyages to Tehran, they are putting their staff at risk.

There is some evidence of changing the way Iranians think. In 2015, the former minister of culture admitted that despite the government's best efforts to keep the issue swept under the rug, Iranians are being exposed to new thinking and if asked now, some would view same sex desire as a human rights issue insinuating slight progression.

The path to equal rights is rocky and problematic. However, that does not mean that in the past few years that have not been agents of change. Although Iran's policies don't necessarily provide the basis for the decriminalization of gay rights, they do set up a foundation for a formation of transgendered peoples., Through the documentary, "Transitions in Iran" , the patients receive an opening for a better future for the country. In multiple situations, after the transition, the client moved into a community typically a building surrounded by people who had also received the surgery. Even though there are not therapies attempts following up the surgery at least the people in question have someone who can relate to them.

#### **Chapter 4: Underground Kuwait and its Luxuries**

*“My first friend at summer school was a lovely effeminate boy from Kuwait named Mohammed. By the end of the summer he had come to terms with being gay. His parents were shocked, banning him from his home, telling him he was a disgrace to their family. From then on, I knew what was to be done”*

My friend Mohammed was an interesting boy who favored dressing up for a night on the town and the “Big Bang Theory” over watching sports and talking about girls. In summer school, he found himself and people who accepted him however when he went home his life became a living nightmare. Luckily, he was accepted to Cornell six months after he came out, but I still had the desire to uncover the homophobia in the Arabic community because of his struggle.

*“Kuwait is an alcohol free zone. However, if royalty wanted it, they had their access. My friend, a British ex pat had been seeing an incredibly rich man allowing him infinite access to luxury alcohol. However in return, the ex pat was sworn to jumping at the rich man’s every command.”*

The underground world of Kuwait is fascinating. When one knows the right people, anything is possible. However, everything comes at a price. My friend Ben, was seeing a Kuwaiti Royal who at first gave him everything he wanted, but a few months later, he would call him at early hours of the morning possessively demanding sexual favors.

Kuwait operates similarly to many other Middle Eastern countries. However, with the help of several insiders I was able to gain a better grasp on what happens through their version of the underground bootlegging community. Kuwait is a dry country and is forbidden for the sale and consumption of alcohol. With that said, there are ways around this rule if one has the right connections. My journey began upon meeting Ben\*<sup>65</sup>, a gay Scottish vet who had been brought to Kuwait for a job offering a hefty salary. Ben was extremely fortunate in the sense that he was quite good looking and had very white skin, a feature known to be desirable in the Arabic community.

When Ben arrived in the country, he felt very alone stating he was extremely out of his comfort zone, not knowing how to socialize without the help of a few drinks. After breaking up with his long-term companion, Ben met Abdul-Aziz\*, a closeted Kuwaiti man who opened his eyes to a world he never thought he would experience. Ben was introduced to the underground queers, Arabian men coming from exorbitant amounts of wealth usually associated with royal families. These men also had several connections to the police and covering their tracks so they were never uncovered,

“We drove through Kuwait city into countryside entering a house, which would better be described as a palace. I had no idea what was to come. As we walked in, I couldn’t believe my eyes, there were locals dressed up in complete drag and fountains of vodka along with a bartender serving an array of different cocktails”<sup>66</sup>

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<sup>65</sup> \* Name has been changed for confidentiality purposes.

<sup>66</sup> Lewisham, Ben S. Personal interview. 20 Dec. 2015.

Kuwait is a country where dreams can be fulfilled depending on if one knows the right people. The “elite” queers of Kuwait continued to live lavishly, as they had all the right connections to the authorities, allowing people like Ben to have complete security in regard to his affiliation with them. In Middle Eastern culture, what is considered very beautiful is fair skin and stereotypically “western” features such as light colored eyes considering it is so exotic amongst a sea of Arabians. Ben alike many of the ex pat community is fair and good looking, giving him the upper hand to many others. It is an extremely materialistic place, similar to Tunisia it matters where one is seen and who is with them. Amongst Kuwaitis, instead of the grandeur services in private clubs, locals go to Shisha bars instead and order intricate flavors, which come out of Gold pipes<sup>67</sup>. The queer community often invite their lovers with them often giving them designer clothing. Through a spectator’s len, it looks like an ironic competition, whoever’s exotic partner looks the best wins lavish gifts and access to illegal stashes of alcohol.<sup>68</sup>

In 2013, the government introduced an idea that there should be mandatory “gay” inspections for any tourists<sup>69</sup> coming into the country after a prosecution of two lesbians in 2012. The report suggested that after the incident there would be further inspections on whom to allow inside the country,

“The minister reportedly told a daily newspaper in Kuwait, "Health centers conduct the routine medical check to assess the health of the expatriates when they

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<sup>67</sup> Ibid 1

<sup>68</sup> Ibid 2

<sup>69</sup> Ben Cheikh, Mohammed, Reports: Kuwait to use test to “detect” gay visitors. Wisconsin Gazette, October 16, 2013 Online.



come into the GCC countries. However, we will take stricter measures that will help us detect gays who will be then barred from entering Kuwait or any of the GCC member states."<sup>70</sup>

The Kuwaiti government attempted to do all in their power to imprison the two lesbians, they confiscated a supposed “marijuana like” substance which was sent to a lab only to discover it was similar to tobacco, used in Shisha and perfectly acceptable and legal in Kuwait. On the claim that the substance was illegal smuggled marijuana, the women were sentenced to up to twenty-five years in jail without a proper hearing. Pink News reported that these charges against them were fabricated due to their local peers feeling uncomfortable with their coexistence as lesbians, “After 8 months of uncharged incarceration, the one ounce of legal substance magically turned into one pound of marijuana, and on January 12, 2013, Monique and Larissa were sentenced to 20-25 years in prison.”<sup>71</sup>

This apparent illegal substance was actually obtained in Kuwait by the two women and they were using it purely recreationally and legally. The US consulate has also been called in attempts to remove these women from unlawful sentencing but until the Kuwaiti government allows another hearing can nothing be done.

In 2013, one month following the rumors of “gay detection tests”, raids were conducted throughout Kuwait City in “gay friendly” areas. However, as Kuwait holds

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<sup>70</sup> Ibid

<sup>71</sup> Duffy, Nick. *Family claims US lesbian couple were jailed for 25 years in Kuwait 'for being gay'*. N.p.:

PinkNews, 2016. Online.

such strict laws against the acts and behavior, which is considered inappropriate, therefore where exactly are these gay friendly areas? According to 76Crimes magazine, a web-based source, focusing on gay relations across the world stated that these were examples of the perils and alleged charges the Kuwaiti population were facing on the ground of inappropriate queer behavior:

- Security men arrest 30 illegals; ‘domestic’ held working in cafés
- Number of cross-dressers and lesbians continues to rise in Kuwait
- Immorality widespread in cafes; Egyptian lovers caught
- Check on cafes, flats to prevent ‘wild’ parties
- Cafe in Salmiya caught showing sex movies
- Two queers injure each other in brawl; Woman seduced
- Scores taken into custody after cracking down on Internet cafés
- Owner unaware as Salmiya cafe shut for showing porn
- Many hurt as women groups fight in famous Salmiya cafe
- ‘Gays’ caught red-handed in car
- 8 cross dressers arrested; Wanted Pakistani held
- Semi-naked ‘homos’ held
- Campaigns target illegal Net cafés, int’l call providers<sup>72</sup>

These “so called crimes” would be considered absolutely redundant in the western world. In countries like Kuwait, where the laws, rules and regulations are so strict, all sorts of precautions are taken. Claims such as “two queers injure each other at a brawl. Woman seduced” are even taken into consideration regardless of how ridiculous they are in terms of the statements themselves. The issue lies in female sexuality: an attribute, which should only be kept in the eyes of one’s husband. If they

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<sup>72</sup> Stewart, Collin. *Kuwait: 215 arrested ‘for being gay’? Not quite*. Kuwait City: 76 Crimes Magazine, 2013. Online.

are “turned on” in public, in the Qur’an it is seen as “shameful” and the wife or whoever has committed the crime of being turned on should stay in the home until the acts of shame passes. One could also question what evidence to the arousal of a woman is as there are no obvious signs.

In 2013, the situation regarding same sex desire in Kuwait worsened. Amnesty International attempted to intervene after the scandal concerning the “gay detection screening” and were forcefully pushed out. The organization attempted to contact the authorities in Kuwait to “ensure people are not harassed and abused because of who they are” and urged for the repeal of laws that “criminalized acts between consenting adults.”<sup>73</sup> After these intervention attempts, AI began to face a backlash from a number of Kuwaiti MPs accusing them of abusing its position and promoting un-Islamic values. They also stated that they had no right to come into their country with the intention of forcing them to follow their western values. Those under the age of 21 living in Kuwait found to be taking part in queer acts currently face prison sentences of up to ten years. The MP’s representative told the magazine,

“It should have reinforced the slogan of human rights and the defense of the oppressed, not confuse issues and interlace honey with poison so that one of its officials dares to encourage behavior that is against the human nature and clashes

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<sup>73</sup> Morse, Felicity. *'Gays are delinquent deviants who destroy humanity': Kuwait MPs attack Amnesty International for protecting LGBT community*. London: The Independent, 2013. Online.

with the teachings of all apostles. Deviant behavior and attitudes undermine and destroy humanity.”<sup>74</sup>

The issues derives from the statement that deviant behavior and attitudes undermine and destroy humanity. Through this form of closed-minded thinking, do states often lose their abilities to intervene throughout; reducing the amount of tourists and business, which will ultimately end up coming to Kuwait.

Through ways of conservative mind sets, the Kuwaiti government is proving themselves to be much less accepting of an LGBT lifestyle then what we occurs behind the scenes. Amnesty International chose to intervene at a time when intervention seemed vital considering the way the world skewed lens surrounding Kuwait after introducing “gay detection tests”. Kuwait’s tourism rate, from when this article was produced in 2013 has fallen dramatically from the 600,000 visitors being the norm to now a 363,000, more then a fifty percent decrease.<sup>75</sup> Although there are definitely factors, which have also been accounted for besides gay detection in these statistics, it certainly plays a giant role. Especially in terms of the backlash that young expatriate teenagers, have the rates dropped in terms of the desirability of immigrating to the country.

“My son was not brought up to hide who he is. He is an intelligent, brilliant and sensitive person and I feel terrible that whenever we go to the Marina, or the supermarket does he receive rude remarks from strangers. What kills me is whenever

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<sup>74</sup> Ibid Morse

<sup>75</sup> *Tourism Statistics:2000-2015*. New York: International World Bank, 2016. Online.

we pass immigration, they mutter their offensive statements and if I try and report it, I will lose my job’’<sup>76</sup>

In an interview with an expatriate woman who had brought her teenage son to grow up in Kuwait the facts were reinstated. The woman’s son in discussion is a 16-year-old boy finishing his A Levels at the British School of Kuwait. He receives no judgment or resentment from his peers in schools, however whenever he chooses to dress in a more effeminate manner, he receives comments and remarks from locals. Unfortunately, Kuwait is a country where connections are the root of solving issues, especially if one has connections to the police and the royal family.

As Anne\* (name changed for privacy purposes), alike many foreigners works in the oil industry, she has little power over how people treat her son. She makes an extremely good salary, much better then if she had been back in the UK. However, with immigrating she also made sacrifices, one of which was her son’s acceptance. Her son regrettably, would not answer any questions however it became obvious to me by his nonchalance to leave the home that he desperately wanted to leave Kuwait as soon as possible. After he heard of the “gay detection” tests, Anne explained that he went into a deep depression, begging his mother to relocate, anywhere that would see him not as an outsider.

The government in Kuwait is also offering an alternative ways of looking at the queer population. In 2014, a national assembly platform was formed in order to

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<sup>76</sup> Whittaker, Anne. Personal interview. Dec. 2015.

“end the suffering of the gays and cross dressers nationwide.”<sup>77</sup> The panel offered queers and supposed cross dressers the option of speaking to higher authorities such as ministers, specialists and Imams<sup>78</sup> in order to wash away their sinful thoughts.

This causes great controversy in the Western world as if these superiors are telling this group of people that their behavior is wrong then clearly they will believe it as such. In a sense this changes their ways of identity, forcing them to conform to a Muslim standard, which they have been trying to steer away from. The intentions of this operation are supposed to heal the subjects however in turn have created a divide between conservatives and liberalists.

Same sex desire in men is criminalized, with up to six years’ imprisonment for over 21s, and a maximum of ten years if participants are under 21. Jail terms can also be received for “imitating the appearance of a member of the opposite sex”, publishing a “publication that violates public morality”, or transmitting HIV to another person, all of which can be used to crack down on the gay community.<sup>79</sup> There is no way to prove the exchange of HIV without outing both parties, and therefore the act of imprisoning people for transmitting the disease becomes redundant as both parties will end up sentenced.

In January of 2014, following the introduction of “gay detection tests”, thirteen transgender women were arrested under the charges of apparent sexual

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<sup>77</sup> Duffy, Nick. *Kuwait: Parliamentary panel offers to ‘help gays and cross-dressers end their suffering’*.

Kuwait City: PinkNews, 2013 . Online.

<sup>78</sup> (Muslim version of a priest)

<sup>79</sup> Ibid 1

assault, imitating the opposite sex and entering a “ladies only” space. In a salon in the Hawally District of Kuwait City, a hairdresser grew suspicious of a new client, stating that they had a masculine air to them. The unnamed transgender woman who chose to remain anonymous was then jailed and has currently been held in custody until their trial which could take up to a year.<sup>80</sup> If found guilty of the dressing as a woman charge, they will be subjected to one year in male prison regardless of how they identify. In an interview conducted with a local transgender woman in the winter of 2016, she stated that the police brutality problem had radically gotten worse since 2013,

“Before the law we had no problems, we would come and go as we pleased and be out in public safely. When we were stopped at checkpoints and the police would ask us for our IDs and see that we were male they would just smile or even find us good looking so we could flirt our way through. In the worst of cases they would try to take our numbers to arrange for a date. So there was harassment, but rarely was it as violent as it is now. After the law came out, I started hearing that X was in prison, Y was in prison. I lived in fear and terror. I felt like I couldn't move, but it is my right to go out and to go to the doctor.”<sup>81</sup>

Suhayla\*, lived a comfortable life up until the gay detection laws were implemented and the fines were formally introduced, prior to 2013 it was simply a

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<sup>80</sup> Littaur, Dan. *Kuwait Launches Crackdown on Trans Women for 'Imitating a Woman'*. Kuwait City: Huffington Post, 2014 . Online.

<sup>81</sup> Mohammed, Suhalya A. Personal interview. 6 Dec. 2015 .

warning they would receive. However, since the Kuwaiti government has caught light of more transgender cases and have told the police to pay extra attention to masculine looking females who steer away from what they are used to. Due to the newest crackdowns, she lives in fear of being who she believes is her true self steering away from masculinity stating that she was born in the wrong body.

In 2007, the Kuwaiti parliament passed a bill that added to article 198 of penal code so that anyone 'imitating the appearance of a member of the opposite sex could be jailed for up to a year or fined up to three thousand US dollars. This law is causing distain and misery to transgender people in Kuwait, which was slammed in a Human Rights Watch report (discussed below) published in 2012, criticizing arrests, torture and abuse of transgender people in the country. On the same day the article was published Al-Watan passed a an open letter by a psychologist Dr.Eisa Mohammad al-Amer, to Kuwait's Minister of education demanding urgent action against LGBT people. In his letter he refers to them as "negative phenomena" "spreading in our society" and "posing a great danger to the current generation of young people." He warns that LGBT people are 'converting' people into their "ways against nature and god" and the "negative phenomena" is spread through the imitation of "alien Western culture."<sup>82</sup>

Human Rights Watch's article discussed the huge social justice issues emerging from Kuwait, the first of which being their distain of the queer community. If one identifies as a female but was born as a man, according to Kuwait law they must remain as they are. However, the report goes into those brave enough to defy the

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<sup>82</sup> Ibid 3



law. Prior to the amendment of Act 198 published in May 2007, transgendered people were very much wary of their presences, remaining under the radar. After the amendment and the introduction of jail time if found cross dressing, many remained in hiding, dressing as their assigned gender, however still facing police brutality. Although many began dressing in traditional male attire and presenting themselves as men to avoid getting arrested, police have relentlessly been on their cases basing arrests on "a soft voice," "smooth skin," or some other physical trait beyond the women's control,<sup>83</sup>

‘Thirty-nine of the 40 transgender women whom Human Rights Watch interviewed said they were arrested, some as many as nine times. In most cases (54 out of 62) the court either to reach a verdict. Transgender women claimed that police forced them, threatening or engaging in physical violence, to sign a declaration stating they would "never again imitate the opposite sex" before releasing them.’<sup>84</sup>

Through acts of fear, many have transgender women denounced their preferred identities, allowing the Kuwait police to take agency over who they really are. While there has only been one court decision in Kuwait granting a transgender woman permission to change her gender in her legal identity papers from male to female, which was quickly denied by a court of appeals, there is also no actual law, which bans the procedure. Opposite to Iran’s law, which allows the surgery to take place if there is a presence of Gender Identity Disorder, Kuwait chooses to face the

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<sup>83</sup> Aissa, Noura E. *Human Rights Watch on Transgender treatment in Kuwait – ‘They hunt us down for fun’ : Special Report*. Kuwait City: Human Rights Watch, 2013. Online.

<sup>84</sup> Ibid Human Rights Watch Report

situations on a case-by-case basis. However, conservative political members are pushing a bill regulating plastic surgery that includes articles explicitly banning gender correction, a dire prospect for many transgender individuals who medically require the procedure as treatment for Gender Identity Disorder.<sup>85</sup> While the Kuwaiti medical establishment formally recognizes GID as a medical condition, the law continues to criminalize transgender women who suffer from the disorder, including those who have obtained documentation from the Ministry of Health.

The recognition of the disorder is the first step in the decriminalization of same sex desire, however it seems extremely unlikely that there will be any signs of chance considering the recent crack downs on potential transgenderism and the introduction of “gay detection” tests. The people who feel as if they have been victimized should take immediate steps to the police’s actions which could be deemed as torture, prosecute those responsible, and implement working mechanisms to prevent future abuses and attempt to create a ban on torture to present forward.

The report also addresses several other issues, including police abuse and torture, a severe violation of human rights, and a breach on the UDHR. The recent amendment to article 198 and its consequences violate the entire constitution of human rights to which Kuwait also is supposed to follow. By criminalizing an individual's gender expression and identity, the law violates the right to non-

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<sup>85</sup> Ibid 2

discrimination, equality before the law, free expression, personal autonomy, physical integrity, and privacy.<sup>86</sup>

The consequences of the amendment further violate the right to health and accessible health care without discrimination, literally provoking judgment and prejudice towards queers. The law adds to the unfairness of an already difficult situation involving people of difference, creating a foundation for police brutality of an already marginalized population, offenses including sexual assault and torture.

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<sup>86</sup> Ibid 3

### **Conclusion: What is to come?**

*“Through my own experience growing up across the Middle East did it appear prevalent that nothing was what it was attempting to portray itself as; hidden rumors deterring one from knowing the truth. In Oman, there were soft whisperings of gossip pertaining to a local man who would deport his lovers directly afterwards, giving them no way of telling the tale of what had happened between them. “*

Oman is a country where everything rests upon one’s image. Once a rumor was spread, instantly the government would public newscasts and interviews concerning the topic and shutting it down immediately. The local man was my mother’s good friend, who openly was a gay man. However, it was quite clear he would get bored very quickly and deport his lovers as one day they would be there and the next day there would be no trace.

*“Sex workers in the Middle East are extremely common. If one goes to a certain neighborhood between the hours of one and five in the morning many women or trans women are seen parading up and down waiting for the signals from chauffeurs of rich royal Arabs”*

Once on a trip to Dubai, I woke up as I had to catch an early flight around five in the morning. I ended up getting lost and walked down a street, which I had never seen before. Upon finding this street, I discovered multiple prostitutes waiting to be picked up by mysterious chauffeurs. I got on the plane with my mother who divulged that I had found “Divine Street”, a street known for trans prostitution for elite Arabs.

*“My wonderful Kuwaiti friend was given the opportunity to study at Cornell, allowing him total freedom to be himself. Had he not been accepted to a university in the States, he would have suffered from banishment from his conservative Arabian parents”*

The inspiration behind this thesis was in dedication to my incredible friend Mohammed, who went to summer school with me and after twenty years of suffering in silence he was accepted to Cornell. At Cornell, he found himself and finally has become who he wanted to be all along without the chains of his culture caging him from himself.

The Middle Eastern world values religion above all, Allah is the highest power and one must adhere to his commands or face the repercussions. Although westerners see acts such as public lynching, hanging and prosecution by death as extreme, but through the eyes of the Middle Easterners who are giving these decisions are they perfectly on par with what they deserve. Through the exploration of same sex desire in the Middle East, the assumption can be made that although human rights organizations alike Amnesty International have attempted to intervene, the choice ultimately comes from their governments.

One could look at the situation in Iran, noticing the government’s attempts to create a black or white approach towards gender. Either you are a male or a female there ultimately is no in between, reasons as to why the country is forcing people to renounce their given genders if queer and become the “norm.”

The option of fleeing is an option, but of course it comes at a cost. To abandon one’s family, restart as someone new and to embrace that one’s difference has made

them an outcast in society is a lot to take in, but of course like anything there have been successes, which come from this approach. Depending on the country of refuge, where they move makes a substantial difference, for example, in Canada they accept asylum seekers and refugees with open arms, due to its extreme liberal and non-threatening views.

Transgender and queer refugees frequently run to Turkey, hoping to seek salvation. They receive similar treatment if not worse than where they originally came from. Through Sepi's story, one realizes the perils that lie with running away; prostitution is often the only option, they lose touch of who they came to be in the first place. With so few options depending on financial status it is not surprising that anything, in comparison to their situations looks better on the horizon.

The topic of same sex desire appears so inappropriate to some audiences, that it creates an even further gap between the Western world and the Arab community. Western society appears far too liberal for the standards implemented by the Qur'an and therefore the Middle East does the furthest opposite case in order to separate itself and abide by the law, even going as far as Saudi Arabia's death penalty for even having a rainbow flag outside of one's building regardless of what its purpose is. Saudi Arabia is the most conservative of them all, however it could also be considered as a foundation to follow amongst the Arab community. From the reports, a trend is shown amongst Middle Eastern countries that instead of attempting to progress forward, they are pushing against the pleas of the UN and following the crack downs, going as far as Kuwait's rule of introducing gay detection tests into

immigration. There is clear speculation as to how these will be conducted, however the Kuwait administration is extremely adamant on coming up with a way.

There have been blogs, Twitter accounts and other underground circles where the queer Muslims have gathered, one in particular which features queer Muslim refugees granted asylum in the United States.

Through “The Queer Muslim Project” Muslims of lesbian, gay, queer, transgender and intersex status have been able to express their stories and breakthroughs from their sheltered childhoods. These unique people have been brave enough to share their struggles and give their peers in the Middle East hope for a new start. Asad\* was granted asylum after his father chased him out of the house with a carving knife, which he now considers one of the greatest things to happen to him as he was able to leave his traumatic life in Tehran and move to America as his entire self,

“I thought I was bisexual for the longest time. Five years ago, I got engaged to a guy and on the night of my engagement, I realized that I am a lesbian. I gave him the ring back the next morning and came out to my parents. The night I came out my father cried and threatened to stab me with a carving knife. I knew I had to leave. Being queer in Iran is taboo. People are afraid to lose their families and fear risking their family’s peace and reputation. But I think it’s harder to be gay in Tehran than be a lesbian. I hold my partner’s hand on the street and never get any bad reactions. When girls hold hands or kiss publicly, people just think they’re best friends. It’s not

the same for men.”<sup>87</sup>

Asad’s story is extremely similar to many living in secrecy in Tehran. However, due to his father’s brutal response to his coming out, he was granted Asylum in America and given the opportunity to start again. He, now possesses the right and acceptance from the liberal nature of the country to hold his partner’s hand and also to be completely himself as opposed to hiding as he was doing back in Tehran. Through developing his own agency from little things alike dressing to the beat of his own drum to holding the hand of his partner has Asad overcome the discrimination of his family and his background, giving hope to those suffering in Iran. In a way, his story is one of struggle and horror, but in the end he comes into his own through acceptance and control of his own life.

The idea of a “queer identity” often is viewed as western considering the literature published arises mostly in American writings or of people who have come from backgrounds disallowing them from expressing their true colors. What one does not see often is publications from Middle Eastern people expressing queerness, therefore the documentation of it even in small amounts is outstanding. Yunique, a young woman originally from Saudi Arabia gave her opinion on her exceptional difference stating.

“As an immigrant queer Muslim woman of color, I feel non-existent,

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<sup>87</sup> Dosari, Imen A. "Just Me and Allah: A Queer Muslim Photo

Project." *Queermuslimproject.Tumblr.com* 13 Mar. 2016. Online.



sometimes even within my queer community. There aren't many like me who are out there and visible. But for now I'm content with that, I'm still trying to figure myself out first and taking this new collective visibility one step at a time. In Brooklyn, I have supreme people of color around me. I feel like we're storming through the oppression. We were slaying separately and now finally, we're slaying together.”<sup>88</sup>

Yunique came from an extremely conservative family, which she chose to flee at the age of 20 to pursue her dream of studying Fashion at the Fashion Institute in New York. Even though she now considers herself Muslim, she chooses to steer away from traditional dress. Her Islam identity will always be a part of who she is, however she differs from the practices of her family. When Muslim women look at her in her Brooklyn neighborhood, they know she is Muslim. She wants to be able to identify with them and have a desire to say “Peace be upon you” and feel that connection. However with her queer identity, she receives judgment as she chooses not to wear the traditional hijab and speaks openly of queerness.

Islam was first introduced to her when her mother and brother would always go to a mysterious place called Mosque, which she felt as though she could not go to based on the prejudice she would receive. She could not submerge herself in the happiness and spiritual enlightening her mother portrayed when coming back from mosque. It seemed like she found something bigger than herself. She sat me down one day to finally tell me what she had been up to. She told Yunique about the Prophet Mohammad and invited her to come to the mosque. She felt a connection but still felt

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<sup>88</sup> Ibid Yunique Al Hasaan

excluded based on the lack of reference to queerness in the community, but still saw herself as a Muslim.

One definitely wouldn't put her story of rejection in the same category as Asad, however the choice to move in order to progress through the identity of same sex desire and queerness remains a common theme.

*"Islam has always been at the centre of my life but not as a worshipper or someone who submits to anything or anyone else's will. I am aware of how it has affected my life, both mentally and geographically. The Islamic revolution in Iran resulted in my leaving the country; the subsequent taking of American hostages by Iranians resulted in me being taken hostage by my class mates; the terrorist attacks of September 11, 2001, resulted in me having extra security measures in place when travelling to the United States. Again, all these things have happened to me as a result of other people's perceptions of Muslims. Perhaps that is why I was so determined to not hide my sexuality and to live my life out loud; I want to smash peoples perceptions. For most people, I am not Muslim enough or at all and for others, I am not queer enough, whatever that even is.*

*I think that a lot of challenges queer Muslims faces are also the same challenges Muslims face in general and a lot of that comes from other people's perceptions. Becoming a face or spokesperson for something is a challenge. There is not just one type of Islam yet the community is often painted with the same brush. I think the queer Muslim community needs to avoid falling into the trap of having to*

*provide answers to questions that supply a unifying message. Diversity is our strength and we should nurture that.*”<sup>89</sup>

Queer identity across the Middle East is practically unheard of, and therefore in the community to declare oneself as queer as the majority of the population does not know what that entails. As we have discovered there are clear lines between male and female and there is no apparent “wiggle” room for the in between. In regard to the refugees mentioned above, they are the lucky ones who have found their voices and agencies through underground forums, who, instead of rejecting them choose to explore the options and fully accept their positions of difference. However, they are not the majority and in order for progression to occur, there needs to be a bigger medium of communication between the West and the Middle East on issues of Queer identity.

The Muslim world follows extremely rigid approaches towards topics of difference. In regard to same sex desire, the only “saving grace” so to speak appears to be moving away from one’s country in order to find solace in a new, often completely re-fashioned identity. Although this often proves to be extremely painful and difficult, one begins to build a chosen “queer” family. There is probably no real solution to this topic, as it describes a present in an extreme state of flux and rapid transformation: even as we speak, queer lives in the Middle East are rapidly changing and altering in ways that often seem to be poorly captured by scholars. One of the main things I noticed while researching this project was that the very scholars who

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<sup>89</sup> Ibid Malek

attempt to talk about queer lives in the Middle East often do so in problematic ways. Some of the relatively mainstream “queer theory” articles that I read used blatantly Islamophobic websites and other sources in what were apparently neutral ways—many such critics acted, themselves, as if Islam and queerness are on some level, “natural enemies.” Other sources failed to understand the cultures they purported to describe, even as they referred to themselves as “ethnographic,” thus proving, to an extent, that Orientalism is still alive and well. In adding my own voice to this conversation, I hope to at least, if nothing else, have problematized or revealed some of the gaps between these various spaces, and to have added my own voice to what is, right now, a very fluid and dynamic conversation.

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